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*Attorney for Defendants Colleen Lane
 Matthew W. Lane and Patricia E. Lane*

IN THE UNITED STATES DISTRICT COURT
 FOR THE DISTRICT OF WYOMING

ROBERT M. LANE,)	
)	
Plaintiff,)	
)	
v.)	Civil No. 15CV155 – NDF
)	
LUCAS E. BUCKLEY, et al.,)	
)	
Defendants.)	

**DEFENDANT PATRICIA E. LANE’S MOTION FOR ATTORNEYS’ FEES PURSUANT TO
 F.R.C.P. 54(d)(2) AND U.S.D.C.L.R 54.3**

Defendant Patricia E. Lane, by and through her attorneys, Kline, McCorkle & Pilger, submits her Motion for Attorneys’ Fees Pursuant to F.R.C.P. 54(d)(2) and U.S.D.C.L.R. 54.3, and in support thereof, states as follows:

1. Statement of Consultation: Pursuant to U.S.D.C.L.R. 54.3(a), the undersigned states that she contacted Martin Cohn and Michael Wilkerson, counsel for Robert M. Lane, on September 26, 2017 to inquire into whether Mr. Lane would agree to pay Ms. Lane’s costs and fees incurred in the litigation or any portion thereof and whether Mr. Lane disputed any of the fees or costs. Counsel attached all applicable invoices to the September 26, 2017 email, which included time expended through the hearing on Ms. Lane’s Motion for Summary Judgment on September 20, 2017. After sending this email

to Mr. Cohn and Mr. Wilkerson, the Court issued its Order and Judgment, at which time, the undersigned sent an additional email asking whether Mr. Cohn would be available to discuss the matter on September 27 or 28, 2017. Since that date, the undersigned and Mr. Cohn have exchanged emails regarding the attorneys' fees requested. On October 18, 2017, counsel for Ms. Lane sent updated invoices which included the fees incurred since the hearing on September 20, 2017 and inquired as to whether Plaintiff was in agreement with the fees requested and further asked whether Mr. Cohn was available to discuss the matter on October 19 or 20, 2017. On October 20, 2017, the undersigned called Mr. Cohn and left a voicemail regarding the attorneys' fees. Shortly thereafter, Mr. Cohn notified the undersigned via email stating: "I object to the fee request based on the language in the note pertaining to the arbitration requirement." Thus, the parties were unable to reach an agreement with regard to the fee award.

2. Pursuant to F.R.C.P. 54(d)(2)(B) and U.S.D.C.L.R. 54.3(c), Ms. Lane further notifies the Court as follows:

- a. The deadline for filing this Motion for Attorneys' Fees was extended from October 10, 2017 to October 23, 2017. (ECF No. 172). Thus, this Motion is timely filed.
- b. On September 26, 2017, summary judgment was granted in favor of Ms. Lane. (ECF No. 168). The same day, this Court entered its Judgment in a Civil Action dismissing Plaintiff's Complaint with Prejudice. (ECF No. 169).
- c. Ms. Lane is entitled to an award of her attorneys' fees incurred in this matter for any and all work performed related to Plaintiff's claims against Patricia E. Lane concerning the Loan Agreement and the funds received pursuant to the Loan


Agreement, i.e., Counts VI, VII, VIII and IX because the Loan Agreement specifically states “[t]he party bringing the dispute shall pay all parties’ legal fees.” See Ex. A (Loan Agreement, p. 3); *Fix v. Forelle*, 2014 WY 79, ¶ 8, 327 P.3d 745, 747 (Wyo. 2014); *Poulton v. Evanston Clinic Corp.*, No. 12-CV-150-J, 2014 WL 11515823, at *1–2 (D. Wyo. Feb. 4, 2014); see also Memorandum in Support of Motion for Attorneys’ Fees Pursuant to F.R.C.P. 54(d) and U.S.D.C.L.R. 54.3.

- d. The amount of attorneys’ fees sought is \$129,899.00.
 - e. If requested by the Court, the terms of the representation agreement between Kline, McCorkle & Pilger and Defendant Patricia E. Lane will be disclosed.
3. Pursuant to U.S.D.C.L.R. 54.3(c), all applicable invoices are attached to this Motion. See Ex. B. The invoices contain detailed entries which specifically identify the work done on the case at the time it was done. The attached invoices were sent to the clients on a monthly basis. The entries identify the hourly rate charged by each attorney and paralegal who performed work on the case. Each individual is identified by their initials as follows: “SK” refers to attorney Stephen H. Kline; “MM” refers to attorney Melinda S. McCorkle; “VH” refers to paralegal Vickie Hepler; “JC” refers to paralegal Judy Caldwell; “LB” refers to paralegal Libby Bushell. The attorneys’ hourly rate claimed is \$300.00 per hour, which was the amount charged to the clients pursuant to the representation agreement and is within the range of the attorneys’ normal hourly rate. The paralegals’ hourly rate claimed is \$90.00 per hour, which was the amount charged to the clients pursuant to the representation agreement and is within the range of the

paralegals' normal hourly rate. Please also see attached Affidavit of Melinda S. McCorkle (Ex. C) and Affidavit of Amanda M. Good (Ex. D).

WHEREFORE, Defendant Patricia E. Lane respectfully requests the Court award her attorneys' fees in the amount of \$129,899.00.

DATED this 23 day of October, 2017.



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CERTIFICATE OF SERVICE

I certify the foregoing pleading was served on this 23 day of October, 2017, and that copies were served as follows:

Martin Cohn
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Pro Hac Vice

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